

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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Case No. CBA-286-B

PETITION OF COLUMBIA COUNTRY CLUB

OPINION OF THE BOARD

(Opinion Adopted February 7, 2007)

(Effective Date of Opinion: February 23, 2007)

Case No. CBA-286-B is an application for a modification to an existing special exception for a golf and country club. The Hearing Examiner for Montgomery County held a hearing on the application on November 3, 2006, closed the record on January 5, 2007, and on January 22, 2007 issued a Report and Recommendation for approval of the modification.

The subject property contains 168 acres, Parcel 303, located at 7900 Connecticut Avenue, Chevy Chase, Maryland, 20815 in an R-90 Zone.

Decision of the Board: Special Exception Modification **Granted**
 Subject to Conditions Enumerated Below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on February 7, 2007. After careful consideration and review of the record in the case, the Board adopts the Hearing Examiner's Report and Recommendation, adopts Exhibit No. 46(c), Drawing SX-3, Special Exception Detailed Site Plan, as the governing exhibit regarding the number of on site parking spaces, and grants the requested modification, subject to the following conditions:

1. The Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel identified in the Hearing Examiner's Report and Recommendation, and in the opinion of the Board.
2. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy

permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

3. Petitioner must comply with the conditions of the Montgomery County Department of Permitting Service's Stormwater Concept Plan Approval #222593, issued April 19, 2006.
4. Petitioner must submit a final Tree Save Plan to environmental staff of the M-NCPPC, and the plan must be approved prior to issuance of the sedimentation and erosion control permit by Department of Permitting Services.
5. The Petitioner must install LED signal heads at the intersection of East-West Highway (MD 410) and Connecticut Avenue (MD 185), prior to release of building permit, subject to review and approval by State Highway Administration.
6. The maximum allowable number of employees is 265, including full and part-time staff.
7. Total active membership in the Columbia Country Club is limited to 1000 members (875 golf members and 125 non-golf members).
8. Club hours of operation are 24 hours a day, but are limited as described in the statement of operations submitted with the application.
9. Petitioner shall carry out the agreement it has reached with its confronting neighbor, Duncan and Donna Kirk, to provide landscaping to help screen the Kirks' view of the subject site, as set forth in Exhibit 32.
10. All terms and conditions of the approved special exception remain in full force and effect, except as modified in the Board's order granting this modification request.
11. External lighting at the club should conform to the final lighting plan, Exhibit 46(q), Plan Sheet SPE-3.
12. Petitioner will submit a copy of the parking facilities plan for the new garage to the Board of Appeals when it is submitted to DPS as part of the building permit application.

13. The waiver of the accessory structure-rear yard location requirement specified in Zoning Ordinance §59-C-1.326(a) shall apply to the tennis court enclosure, the tennis bubble and the tennis shop, to the extent these facilities are deemed accessory structures, as discussed in Part II. C. 4 of this report.
14. The reduction of the 100 foot outdoor-activity setback requirement specified in Zoning Ordinance §59-G-2.24(d) shall apply only to the two southernmost paddle tennis courts. The fourth (southernmost) paddle tennis court may be as close as 23 feet from the property line, as shown on the Special Exception Site Layout diagram (Exhibit 46(d), Plan Sheet SX-3A), and the existing court immediately to its north may remain approximately 80 feet from the property line. The existing warming hut will be removed, and is no longer reflected in the plans.
15. The three existing paddle tennis courts may not be used after 11:00 p.m., and the proposed fourth (southernmost) paddle tennis court may not be used after 9:00 p.m., to avoid adverse effects on nearby residential properties.

On a motion by Caryn L. Hines, seconded by Wendell M. Holloway, with Catherine G. Titus and Allison Ishihara Fultz in agreement, and Donna L. Barron necessarily absent, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
This 23rd day of February, 2007.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.